

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3133 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 to 5 NO

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JAYANTIBHAI SABURBHAI SHAH

Versus

STATE OF GUJARAT

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Appearance:

MR SAURIN A SHAH for Petitioner

MR KT DAVE APP for Respondent No. 1

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CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 06/08/98

ORAL JUDGEMENT

RULE. Learned A.P.P. Mr. K.T.Dave waives service of Rule for the Respondent.

2. In pursuance of the order passed by this court on 16th October 1997 in Misc. Cri. Application No.6042 of 1997, passport of the petitioner was deposited with the Court of the Judicial Magistrate, First Class, Court

No.3, Surat.

3. By virtue of the present application, the petitioner has prayed that custody of the said passport be given to the petitioner as the said passport is to expire on 6th December 1998 and, therefore, the petitioner will have to do the needful for getting the passport renewed. Moreover, the petitioner also desires to go to the U.S.A. for about six months and therefore also, the passport is required.

4. Looking to the facts and circumstances of the case, no harm would be caused to the prosecution if the custody of the said passport is given to the petitioner for a period of nine months. In the circumstances, it is ordered that the passport of the petitioner bearing No.F-118946, which has been referred to perhaps incorrectly as passport bearing No.18(57614)88 (which has been kept at NVM No.10/97 in the custody of Nazir of the Court of the Judicial Magistrate, First Class, Court No.3, Surat), be returned to the petitioner by the Court of the learned Judicial Magistrate, First Class, Court No.3, Surat. The petitioner shall give details about the places which he has to visit to the Police Station Officer, Mahidharpura Police Station, Surat, two weeks before leaving the country, and he shall also send details about his whereabouts to the said P.S.O. at an interval of every month. The petitioner shall return the passport to the Court of the Judicial Magistrate, First Class, Court No.3, Surat in the first week of July, 1999. After July 1999, during pendency of the criminal case, if the petitioner desires to leave the country again and if he requires the passport, it would be open to him to approach the Court of the learned Judicial Magistrate, First Class, Court No.3, Surat with the necessary application and, in that event, his application for obtaining custody of the passport shall be decided in accordance with law by the learned Judicial Magistrate, First Class, Court No.3, Surat. Rule is made absolute.

[KMG Thilake]

Sd/-

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